



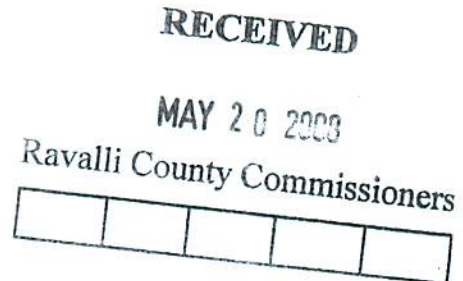
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May 19, 2008

Senator Jim G. Shockley  
2386 Hwy 93 N.  
P.O. Box 608  
Victor, MT. 59875-0608



**Re: Mental Health Video Appearance Draft Legislation**

Dear Senator Shockley:

I drew up our suggested changes to the legislation that we spoke of before. Please excuse the delay. As you can see it is a very minor change to the statute. I did not put in any "purpose" language preceding the statute. If something like that would be helpful or necessary, please contact Mr. Corn or myself.

Sincerely,

Alex Beal  
Deputy Ravalli County Attorney

AB/dp

cc: George H. Corn, Ravalli County Attorney  
Ravalli County Commissioners

SENATE BILL NO. \_\_\_\_\_

INTRODUCED BY J. SHOCKLEY

BY REQUEST OF THE RAVALLI COUNTY COMMISSIONERS, RAVALLI  
COUNTY SHERIFF'S OFFICE, RAVALLI COUNTY ATTORNEY

AN ACT MODIFYING THE PROCEDURES FOR USING TWO-WAY ELECTRONIC  
AUDIO-VIDEO COMMUNICATION IN MENTAL COMMITMENT PROCEEDINGS;  
AND AMENDING SECTION 53-21-140, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-21-140, MCA is amended to read:

**"53-21-140. Use of two-way electronic audio-video communication.** (1) For purposes of this chapter, a hearing that is conducted by the use of two-way electronic audio-video communication, allowing all of the participants to be observed and heard by all present, is considered to be a hearing in open court.

(2) Whenever the law requires that a respondent or patient in any of the hearings provided for in subsection (3) be present before a court, this requirement may, in the discretion of the court, be satisfied either by the respondent's or patient's physical appearance before the court or by two-way electronic audio-video communication. The audio-video communication must operate so that the respondent or patient, the respondent's or patient's counsel, and the judge can see each other simultaneously and converse with each other, so that the respondent or patient and the respondent's or patient's counsel can communicate privately, and so that the respondent or patient and counsel are both present during the two-way electronic audio-video communication. A respondent or patient may request that counsel from the board be present, for consulting purposes only, if the respondent or patient is located at the state hospital.

(3) At the discretion of the court, the following hearings may be conducted through two-way electronic audio-video communication:

- (a) the initial hearing provided for in 53-21-122;
- (b) the detention hearing provided for in 53-21-124;
- (c) the trial or hearing on a petition provided for in 53-21-126;
- (d) a hearing on posttrial disposition as provided for in 53-21-127;

(e) a hearing on the extension of a commitment period as provided for in 53-21-128;  
(f) a hearing on rehospitalization of a person conditionally released from an inpatient treatment facility as provided for in 53-21-197;

(g) a hearing on an extension of the conditions of release as provided for in 53-21-198.

(4) This section does not abrogate a person's rights under 53-21-115, 53-21-116, or 53-21-117. A respondent or patient, the respondent's or patient's counsel, and a friend of respondent or patient, if any, must be informed of these rights prior to a hearing by two-way electronic audio-video communication in lieu of a hearing in person. A respondent or patient or the respondent's or patient's counsel and a friend of respondent or patient, acting together, may waive any of the rights, as provided under 53-21-119.

(5) If a respondent or patient, the respondent's or patient's counsel, or the professional person object to two-way electronic audio-video communication in lieu of a hearing in person, for those hearings set forth in subsection 3 c-e & g only, the court may not allow a two-way electronic audio-video communication.”